

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

SHARON CLINKENBEARD

COMPLAINANT

v.

NICHOLAS COUNTY WATER DISTRICT

DEFENDANT

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) CASE NO. 96-230
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O R D E R

On May 21, 1996, Sharon Clinkenbeard ("Complainant") filed a complaint against Nicholas County Water District ("District"). The District had threatened to terminate Ms. Clinkenbeard's water service if she did not remove a structure which she had constructed over the District's water main. The District was directed by Order to satisfy or answer the complaint. The District filed its answer on June 20, 1996. As further proceedings appeared to be necessary, the Commission issued a procedural schedule on August 6, 1996.

IT IS ORDERED that the parties shall file the original and six copies of the following information with the Commission with a copy to all parties of record no later than 14 days from the date of this Order. The parties shall furnish with each response the name of the witness who will be available at the public hearing to respond to questions concerning each item of information requested.

Questions for the Complainant:

1. Paragraph (c)(2) of the Complaint states that the Complainant had constructive, but not actual, notice of the route of the water line through her property. Elaborate on this statement, including an explanation of what notice the Complainant did receive.

2. Refer to Paragraph (c)(3) of the Complaint. Describe the expansion to the Complainant's residence, including its dimensions.

3. Refer to Paragraph (c)(5) of the Complaint. Provide documentation, if available, that the District personnel agreed construction could continue if the concrete slab was removed.

4. Refer to Paragraph (c)(7) of the Complaint. In light of the District's opposition, on what did counsel for Complainant base his advice to the Complainant that she resume construction?

5. Refer to Paragraph (d)(1) of the Complaint. The Complainant refers to the fact that the subject water line contains asbestos as a "lame reason" for the District to use in refusing to allow the water line to be moved. Explain this position.

6. Refer to Paragraph (d)(2) of the Complaint. Explain how the Complainant is not denying the District access to its property by building a structure over its water main.

7. Does the Complainant remain willing to pay the cost of constructing a bypass water line around her expanded structure?

Questions for the District:

1. Refer to Paragraph 2 of the Answer. When did the District first notify the Complainant of its position regarding the expansion of her dwelling? What form did this

notification take? Provide copies of any written documentation regarding this matter that has not already been filed as an exhibit to the Complaint.

2. Refer to Paragraph 3 of the Answer. What notice did the Complainant have of the location of the water line when she began construction of her dwelling?

3. Refer to Paragraph 5 of the Answer. Was the water service to Complainant's tenants that was discontinued on or about September 21, 1995, service to the dwelling which is involved in this complaint?

4. Refer to Paragraph 9 of the Answer. The District states that it does not object to the Complainant rerouting the subject line. Provide a map of suitable scale showing the proposed new location for the main in question as well as a detailed construction cost estimate.

5. Although asbestos cement pipe is no longer used in new construction in Kentucky, it has been used in a large number of systems and many miles of the pipe are still in service. Because this type of pipe is partially composed of asbestos, precautions must be taken in handling the pipe.

a. Provide copies of the plans that show that asbestos cement pipe was installed at the location in question.

b. Provide the specifications and costs associated with the removal of the asbestos cement pipe that would be required in order to reroute the water line in question.

6. Does the District remain willing to allow the Complainant to reroute the water line around her expanded structure at her expense?

7. Did the District, based on its easement across the property now owned by the Complainant, at any time seek an injunction against the Complainant to compel her to cease the construction of her expansion?

Done at Frankfort, Kentucky, this 20th day of August, 1996.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director/